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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,413 12/17/2003		Ralph R. Binetti	SC66U-US	8915
60723 AVON PRODU	7590 03/18/200 JCTS, INC.	8	EXAMINER	
AVON PLACE SUFFERN, NY	·		BOWMAN, AMY HUDSON	
SUFFERN, IN I	10901		ART UNIT	PAPER NUMBER
			1635	
			MAIL DATE	DELIVERY MODE
			03/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/738,413	BINETTI ET AL.	
Examiner	Art Unit	
AMY H. BOWMAN	1635	

The MALINB DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 25 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. A The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replea: (1) an amendment, affidavit, or other avoidance, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal feel) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods.  20		AMY H. BOWMAN	1635	
<ul> <li>1. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidaty, or other evidence, wich places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replication:</li></ul>	The MAILING DATE of this communication appe	ars on the cover sheet with the d	correspondence add	ress
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no nevent, however, will be statutory period for reply expired into the full the statutory period for reply expire later than St MONTHS from the mailing date of final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS. GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS. GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS. GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS. GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS. GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS. GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS. GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS. GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS GFT THE FIRST CHARLES FILED WITHIN THE FIRST REPLY WAS FILED WITHIN TWO MANDED WITHIN THE FIRST REPLY WAS FILED WITHIN THE FIRST REPLY WAS FI	1. The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	the same day as filing a Notice of A replies: (1) an amendment, affidavit al (with appeal fee) in compliance	Appeal. To avoid abar t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.17(a) is calculated from: (1) the expiration detected of extension and the corresponding amount of the few rether appropriate extension fee have been flied is the date for purposes of determining the period of extension and the corresponding amount of the few rether period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on	b) The period for reply expires on: (1) the mailing date of this Adno event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (l	dvisory Action, or (2) the date set forth in ter than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection	n.
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheef. (See 37 CFR 1.116 and 41.33(a)).  4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5.  Applicant's reply has overcome the following rejection(s): would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. We for purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: Claim(s) allowed: Claim(s) withdrawn from consideration: Claim(s) withdrawn from consideration: Claim(s) rejected: 1-30.  Claim(s) withdrawn from consideration: AFFDAVIT OR OTHER EVIDENCE  8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of f	Extensions of time may be obtained under 37 CFR 1.136(a). The date of have been filed is the date for purposes of determining the period of extractional extractional extractional forms and the second of the second in the second extractional extraction in the second extractional extractional extractional extraction extractional extractional extractional extractional extractional extractional extractional extractional extractional extraction extractional extractional extractional extractional extractional extractional extractional extractional extractional extraction extractional extractional extractional extractional extractional extractional extractional extractional extractional extraction extractional extraction extr	on which the petition under 37 CFR 1.1: ension and the corresponding amount of hortened statutory period for reply origi	of the fee. The appropria nally set in the final Offic	ate extension fee e action; or (2) as
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13.	See Continuation Sheet.		condition for allowan	ce because:
		PTO/SB/08) Paper No(s)		
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Continuation of 3. NOTE: The proposed claim amendments, if entered, recite new limitations that would raise new considerations and would require a new search and corresponding examination. Therefore, entry of the amendment would require re-evaluation of the prior art and the specification for support for the instant amendments, which constitutes new considerations.

Continuation of 11. does NOT place the application in condition for allowance because: the request for reconsideration argues from the presumption that the instant claim amendments have been entered, which for the reasons provided above, is not the case. Therefore, the arguments are not considered to apply against the currently pending claims.